



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Examiner: Ford

LIEM ET AL.

Art Unit: 1645

APPLICATION NO: 10/645,643

Confirmation Number: 8789

FILED: AUGUST 21, 2003

FOR: FUSOBACTERIUM NECROPHORUM VACCINE AND METHOD  
FOR MAKING SUCH VACCINE

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.132

I, the undersigned, am an inventor of U.S. Patent Application Serial Number 10/645,643  
referenced above and make the following declaration:

1. I am one of the inventors of the above referenced patent application.
2. I am familiar with the prior art article cited by the Examiner entitled "Control of Footrot and Liver Abscesses with FUSOGUARD™: A New Fusobacterium necrophorum Bacterin for Cattle" published for the 32<sup>nd</sup> Annual Convention, Proceedings American Association of Bovine Practitioners in The Bovine Proceedings, No. 32, pp. 262-265 (Sept. 23-26, 1999) with A. Leim, G.A. Anderson, D.L. Stine, S. MacGregor, and D.V. Cain listed as authors.
3. The above referenced patent application has a priority date of September 29, 1999, just a few days after the 32<sup>nd</sup> Annual Convention, Proceedings American Association of Bovine Practitioners held on September 23-26, 1999.
4. The above referenced prior art article is authored by the inventors of this patent application and describes our own work. S. MacGregor and D.V. Cain, two additional authors, are not considered inventors because they did not contribute to the conception nor reduction to practice of the invention claimed. Rather, S. MacGregor and D.V. Cain, were merely working under our control and direction.
5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and correct, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 United

States Code and such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 26 th day of July, 2005.



Douglas L. Stine